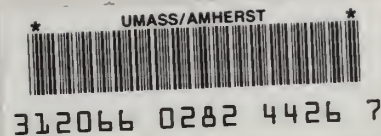


MASS. LRW 1.2: C73 ✓



COMPILATION OF
LIFE-CYCLE COST ESTIMATES AND
PROVISIONS FOR ACCEPTANCE OF OUT-OF-STATE/REGION WASTE FOR
MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT BOARD

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LIFE-CYCLE COST ESTIMATES

SUMMARY OF
ESTIMATED COSTS FOR
NEW DISPOSAL FACILITIES
(\$ millions)

STATE	PRE-OPS	OPERATIONS	CLOSURE	INST. CONTROL	TOTAL
California	\$ 68.7	\$ 300.0	\$ 21.3	\$ 97.0	\$ 487.0
Illinois	140.4	825.0	18.6	52.9	1,036.9
Maine	66.0	120-200	30.0	w/closure	210-290
North Carolina	152.0	-----	-----	-----	-----
Pennsylvania	66.0	869.5	35.3	w/closure	970.8
Texas	26.6	191.0	13.5	23.5	254.6
Vermont	34.4	50.9	11.5	17.6	114.4

CAUTION: These costs are not directly comparable; the underlying assumptions and calculations vary greatly from state to state. They are displayed in this table only to help identify individual cost estimates.

CALIFORNIA

Cost Factors

Technology	- Modified Shallow Land Disposal
Costs In	- closure and post closure costs are in 1990 dollars; all other costs are in 1993 dollars
Present Value Used	- Closure and post closure costs only
Operational Period	- 30 years
Closure Period	- 5 years
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 3,000,000 cubic feet
Est. Annual Waste Volume	- 100,000 cubic feet

Other - The total development costs would have been about \$40 million had it not been for recurring lawsuits and delays. Most of the pre-operations costs are independent of volume.

Pre-operations

Land Acquisition	\$ 0.9 million
Project Management	7.6
Site Selection/Characterization	
Site Selection/Pre-characterization	2.0
Public Involvement	5.1
Characterization	5.9
Litigation	0.6
Licensing/NEPA	7.9
Engineering Design	0.2
Facility Construction	10.5
Contingency	3.0
Financing	15.0
Administrative Overhead	<u>10.0</u>

Total Pre-operations Costs - (If completed by 1995) \$ 68.7 million

Operations

Annual Costs	\$ 7.0 million + interest*
Total 30 Year Operations Costs	\$300.0 million
Closure	\$ 21.3 million
Inst. Control	<u>\$ 97.0 million</u>
TOTAL LIFE-CYCLE COST ESTIMATE	\$487.0 million

* Interest expense depends upon the outstanding loan balances. Therefore, the annual interest expense decreases as the loans are paid.

ILLINOIS

Cost Factors

Technology	- Concrete Canisters in Earth-Covered Above-Grade Vaults
Costs In	- 1991/1992 dollars
Present Value Used	- Only for closure and post closure
Operational Period	- 50 years
Closure Period	- 12 years
Inst. Control Period	- 300 years
Est. Total Waste Volume	- 7,500,000 to 10,000,000 cubic feet
Est. Annual Waste Volume	- 150,000 to 200,000 cubic feet

Other - The pre-operations costs reflect "extra" factors that make the total amounts more than "normal." These "extras" include such things as significant program changes, delays, and the need to select and license an alternate site. The other costs assume no significant problems in the operations, closure, or post closure periods. Most of the pre-operations costs are independent of volume.

Pre-operations

Land Acquisition	\$ 9.0 million
Project Management/Site Selection/ Site Characterization (two sites)	33.0
Litigation	10.0
Licensing/NEPA/Engineering Design	34.0
Site Development and Improvement	10.7
Buildings	13.8
Disposal Area, Retention/Sediment Pond, Borings Storage	11.8
Control, Monitoring, Data System	0.3
Overhead	10.4
Escalation	2.2
Contingency	2.2
Fee	<u>3.0</u>

Total Pre-operations Costs \$ 140.4 million

Operations

Annual Costs \$ 16.5 million

Total 50 Year Operations Costs \$ 825.0 million

Closure \$ 18.6 million

Inst. Control \$ 52.9 million

TOTAL LIFE-CYCLE COST ESTIMATE \$1,036.9 million

MAINE

Cost Factors

Technology	- Above Ground Vault
Costs In	- 1993 dollars
Present Value Used	- No
Operational Period	- 30 years
Closure Period	- ---
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 240,000 to 690,000 cubic feet
Est. Annual Waste Volume	- 8,000 to 23,000 cubic feet

Other - Maine considers these estimates to be very preliminary.
The costs reflect redundant monitoring programs by the
regulator, the operating authority, and the public.

Pre-operations

Site Characterization/Screening/ Licensing	\$ 50.0
Self-Insurance Fund	<u>10.0</u>

Total Pre-operations Costs \$ 60.0 million

Operations

Buildings	60 to 140.0
Site Monitoring, Operation, and Insurance	30.0
Community Benefits	<u>30.0</u>

Total Operations Costs \$ 120 to 200.0 million

Closure and Inst. Control \$ 30.0 million

TOTAL LIFE-CYCLE COST ESTIMATE \$ 210 to 290.0 million

NORTH CAROLINA
(Partial Costs Only)

Cost Factors

Technology	- Earth-Covered, Near-Grade Vault
Costs In	- 1993 dollars
Present Value Used	- No
Operational Period	- 20 years
Closure Period	- 7 years
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 7,000,000 to 7,500,000 cubic feet
Est. Annual Waste Volume	- 350,000 to 375,000 cubic feet

Other - These estimates are very preliminary. As licensing and operations approach, cost estimates will be made to include all life-cycle phases.

Total To Filing the License	\$ 60.0 million
Total To Issuing the License	87.0
Total To Beginning Operations	152.0

PENNSYLVANIA

Cost Factors

Technology	- Earth-Covered Above-Grade Vault
Costs In	- 1993 dollars
Present Value Used	- No
Operational Period	- 30 years
Closure Period	- 5 years
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 7,050,000 cubic feet
Est. Annual Waste Volume	- 235,000 cubic feet

Other - Since these costs were developed, Pennsylvania has revised its estimated annual waste volume to 180,000 to 200,000 cubic feet per year.

Pre-operations

Regulatory/Development/Admin.	\$ 10.1 million
Site Selection	6.1
Site Characterization	8.4
Facility Design	7.6
Licensing	2.3
Public Involvement	4.8
Construction	<u>26.7</u>

Total Pre-operations Cost \$ 66.0 million

Operations

Operations	854.5
Regulatory/Development/Admin	<u>15.0</u>

Total Operations Cost \$869.5 million

Closure and Inst. Control \$ 35.3 million

TOTAL LIFE-CYCLE COSTS \$970.8 million

TEXAS

Cost Factors

Technology	- Concrete Canisters
Costs In	- 1993 dollars; 1990 dollars for facility construction, operations, closure, and inst. control costs
Present Value Used	- No
Operational Period	- 30 years
Closure Period	- 5 years
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 1.5 million cubic feet
Est. Annual Waste Volume	- 50,000 cubic feet

Other - Most of the pre-operations costs are independent of volume. The actual volume accepted at the facility will depend upon the volume of waste sent by utilities, based upon their analysis of disposal and waste processing costs. The pre-operations costs reflect the "extra" cost of characterizing two sites.

Pre-operations

Siting Plans and Site Selection	\$ 2.2 million
Site Developer	12.2
Technology Selection/Facility Design	2.1
Site Characterization (two sites)	7.1
Land Acquisition	1.0
Legal Fees	0.7
Public Information	0.3
Litigation	<u>1.0</u>

Total Pre-operations Costs	\$ 26.6 million
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Operations

Facility Operations	171.0
Facility Construction	<u>20.0</u>

Total Operations Costs	\$191.0 million
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Closure	\$ 13.5 million
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Inst. Control	<u>\$ 23.5 million</u>
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TOTAL LIFE-CYCLE COSTS ESTIMATE	\$254.6 million
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VERMONT

Cost Factors

Technology	- Earth-Mounded, Above-Grade Vault
Costs In	- 1992 dollars
Present Value Used	- No
Operational Period	- 16 years
Closure Period	- 5 years
Inst. Control Period	- 100 years
Est. Total Waste Volume	- 475,000 cubic feet
Est. Annual Waste Volume	- 30,000 cubic feet

Other - Detailed support information is available from the Vermont Low-Level Waste Authority.

Pre-operations

Site Development	\$ 7.2 million
Environmental Assessment & License Application	0.9
Licensing	1.8
Permits/Fees	1.2
Authority Operation Budget	8.6
ANR/PSD/PSB Budgets	5.0
Engineering and Design	0.9
Payroll	0.5
Construction	2.9
Construction/Operation Equipment	0.4
Baseline Monitoring	1.9
Consumables (Fuel, Utilities, etc.)	0.1
Incentive Payments	1.6
Contingencies	<u>1.4</u>

Total Pre-operations Costs \$ 34.4 million

Operations

Start-up of Facilities	\$ 0.3 million
Construction of Disposal Units	18.2
Equipment Maintenance	0.2
Building and Facility Maintenance	0.7
Payroll	8.7
Authority Administration	2.8
Environmental Monitoring	3.7
Regulatory Costs	0.9
Consumables (Fuel, Utilities, etc.)	0.2
Office Equipment	0.1
Construction/Operation Equipment	1.2
Financial Assurances	4.1
Incentive Payments	3.2
Contingencies	<u>6.6</u>

Total Operations Costs \$ 50.9 million

VERMONT (Continued)

Closure

Disposal Site Closure	\$ 5.4 million
Personnel Costs	1.7
Construction and Operation Equipment	0.1
Monitoring	1.3
Consumables (Fuel, Utilities, etc.)	0.1
Authority Administration	0.9
Financial Assurances	0.3
Contingencies	<u>1.7</u>

Total Closure Costs \$ 11.5 million

Inst. Control

Personnel Costs	\$ 4.7 million
Construction Equipment	0.9
Consumables (Fuel, Utilities, etc.)	0.4
Monitoring	7.1
Equipment Maintenance	0.2
Administration Costs	0.2
Regulatory Costs	0.2
Financial Assurances	1.3
Contingencies	<u>2.6</u>

Total Post Closure Costs \$ 17.6 million

TOTAL LIFE-CYCLE COST ESTIMATE \$114.4 million

Community Benefits and Compensation

Incentive payments totaling \$4.9 million are included in the costs for pre-operations and operations.

PROVISIONS FOR ACCEPTANCE OF OUT-OF STATE/REGION WASTE

APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

Importation of Low-Level Waste

"After establishment of the regional facility(s), it shall be unlawful for any person to dispose of any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the Commission and by law of the host state in which said disposal takes place..." [Compact, Article 4(B)]

"No low-level waste shall be accepted for disposal at the regional facility unless the waste was generated within the Appalachian Compact States or the Commission has entered into a reciprocal contingency agreement for the emergency disposal of out-of compact low-level waste..." [PA LLW Disposal Act, Chapter 3, Section 309(A)]

"No agreement shall permit the disposal of out-of-compact waste for a period exceeding three months unless a continuation of the agreement is approved by the general assembly or the Governor..." [PA LLW Disposal Act, Chapter 3, Section 309(B)]

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

Importation of Low-Level Waste

"Unless authorized by the Commission, it shall be unlawful after January 1, 1986 for any person:

1. To deposit at a regional facility, waste not generated within the region;
2. To accept, at a regional facility, waste not generated with the region;
3. To export from the region, waste which is generated within the region; and
4. To transport waste from the site at which it is generated, except to a regional facility." [Compact, Article III(g)]

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

Importation of Low-Level Waste

The Commission may: "Enter into an agreement or contract with any person, state or group of states for the right to use regional facilities for waste generated outside of the region and for the right to use facilities outside the region for waste generated within the region. No person may use a regional facility for waste generated outside the region unless both a majority of the members of the Commission and all members from the host state in which any affected regional facility is located vote in favor of permitting such use. No person in the region may use a storage, treatment or disposal facility outside the region without prior Commission approval. No such agreement or contract shall be valid unless specifically approved by a law enacted by the legislature of the host state." [Compact, Art. III(i)(1)]

"Policy: Prohibit access to the regional disposal facility for imported waste... Any exception...would be made on a case-by-case basis, and would require approval of voting members of the Commission from Illinois and that a law be enacted by the Illinois General Assembly." (Regional Management Plan, Sec. 6)

"Policy: Prohibit access to regional treatment or storage facilities for imported waste, except under an agreement or contract entered into by the Commission, consented to by the local governing body of jurisdiction, and approved by the legislature of the affected host state. ...the Commission will not allow importation of low-level radioactive waste for treatment or storage without the express approval of the legislature of the affected host state, as provided in the Compact. Further, the Commission will not approve or recommend legislative approval of importation for storage or treatment unless a request is approved in advance by the local governing body with jurisdiction... (Regional Management Plan, Sec. 6)

MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Importation of Low-Level Waste

"h. The Commission may:

1. Enter into an agreement with any person, state, or group of states for the right to use regional facilities for waste generated outside of the region and for the right to use facilities outside the region for waste generated within the region. The right of any person to use a regional facility for waste generated outside of the region requires an affirmative vote of a majority of the Commission, including, the affirmative vote of the member of the host state in which any affected regional facility is located...

9. When approved by the commission, with the member from each host state in which an affected compact facility is operating or being developed or constructed voting in the affirmative, enter into agreements to:

- (A) Import for disposal within the region, waste generated outside the region...

- o. Unless approved by the Commission, with the member from each host state in which an affected compact facility is operating or being developed or constructed voting in the affirmative, no person shall:

1. Import for management within the region, waste generated outside the region...

3. Manage at a facility within a party state waste not generated within the region;" (Amended and Restated Midwest Interstate Low-Level Radioactive Waste Compact, Article III)

NOTE: The amended compact has yet to be enacted by member state legislatures.

NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Importation of Low-Level Waste

"The Commission may enter into agreements with any person, state, regional body, or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of the representatives of the host state in which any affected regional facility is located..." [Compact, Art. IV(i)(12)]

NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

Importation of Low-Level Waste

"The person designated as the Washington representative to the committee as specified in Article V shall adhere to all provisions of the low-level radioactive waste compact. In considering special conditions or arrangements for access to the state's facilities from wastes generated outside of the region, the committee member shall ensure at a minimum, that the provisions of Article IV, Section 3 are complied with. After 1992 the Washington representative may approve access to the State's facility only for the states currently members of the Rocky Mountain compact or states which generate less than one thousand cubic feet of waste annually and are contiguous with a state which is a member of the Northwest compact." (Title 43 Revised Code of Washington, 43.145.020) NOTE: Article IV, Section 3 does not apply after December 31, 1992.

"No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states, except as provided in Article V." (Compact, Article IV, Section 2)

"...Notwithstanding any provision of Article IV to the contrary, the committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on such terms and conditions as the committee may deem appropriate..." (Compact, Article V)

"'Criteria for Judging the Acceptability of States' Applications to Enter into Contracts for Disposal with the Northwest Interstate Compact...1...at least one border contiguous with one or more party states, 2...not under normal circumstances generate (LLW) in excess of 1,000 cubic feet per year...3...not be a member of a compact ratified by Congress as of April 23, 1987...(and have) no reasonable alternative options available..." (Northwest Compact Resolution Adopted April 23, 1987)

SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Importation of Low-Level Waste

The Commission has the duty and power "notwithstanding any other provisions of this compact, to enter into agreements with any person, state, or similar regional body or group of states for the importation of waste into the region and for the right of access to facilities outside the region..." [Compact, Art. 4(E)9]

"Regional facility" is defined as "(1) a facility as defined in this Article which has been designated, authorized, accepted or approved by the Commission to receive waste or (2) the disposal facility at Barnwell, South Carolina..." [Compact, Art. 2(10)]

NOTE: See Appendix for the "Policy for the Import of LLRW to the Regional Facility for the Period January 1, 1993 - June 30, 1994."

SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

Importation of Low-Level Waste

"The Commission may enter into an agreement to import low-level radioactive waste only if both of the following requirements are met-- (a) the Commission approves the importation agreement by a two-thirds vote of the Commission. (b) The Commission and host state assess the affected regional disposal facilities' capability to handle imported low-level waste..."
[Compact, Art. III(g)(19)]

NOTE: At its August 1991 meeting, the Southwestern Compact Commission voted to reject requests then at hand and to not accept future requests.

NEW YORK

Importation of Low-Level Waste

"'Permanent disposal facilities' means low-level radioactive waste management facilities for permanent disposal of low-level radioactive waste generated within the state of New York, other than such waste which is a federal responsibility..." (New York State Environmental Conservation Law, Article 37, Title 1, Section 29-0101)

"Nothing in this act shall be construed to preclude any person from establishing...any facilities for the temporary storage or permanent disposal of (low-level waste), whether generated within or outside of the State of New York, which are not authorized or required by the provisions of this act." (New York State Low-Level Radioactive Waste Management Act of 1986, Ch. 673)

MAINE, TEXAS, VERMONT

Importation of Low-Level Waste

"(3) 'Compact facility' or 'facility' means any site, location structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible...

(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party state, unless approved by the commission." (Texas Low-Level Radioactive Waste Disposal Compact, Article II, Section 2.01)

"The commission may: ...

(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable." (Texas Low-Level Radioactive Waste Disposal Compact, Article III, Section 3.05)

"No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III..." (Texas Low-Level Radioactive Waste Disposal Compact, Article VI, Section 6.02)

NOTE: The Texas Low-Level Radioactive Waste Disposal Compact has been approved by Texas and Maine and was introduced into the Vermont legislature in January. After action is taken by the Vermont legislature, it will be introduced into the United States Congress for ratification.

APPENDIX

SOUTHEAST COMPACT COMMISSION

**POLICY FOR THE IMPORT OF LLRW
TO THE REGIONAL FACILITY FOR THE PERIOD
JANUARY 1, 1993 — JUNE 30, 1994**

September 28, 1992
Amended November 13, 1992

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POLICY FOR THE IMPORT OF LLRW
TO THE REGIONAL FACILITY FOR THE PERIOD
JANUARY 1, 1993 — JUNE 30, 1994

I. BACKGROUND STATEMENT

A. Purposes of the Southeast Compact

The Southeast Interstate Low-Level Radioactive Waste Management Compact (hereinafter "Southeast Compact") was created and entered into by its party states to: provide the instrument and framework for a cooperative effort; provide sufficient facilities for the proper management of low-level radioactive waste generated in the region; promote the health and safety of the citizens of the region; limit the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region; encourage the reduction of the amounts of low-level radioactive waste generated in the region; distribute the costs, benefits, and obligations of successful low-level radioactive waste management equitably among the party states; and ensure the ecological and economical management of low-level radioactive wastes.

B. Congressional Consent

The United States Congress has provided its consent to certain Regional Compacts and further established schedules for compliance with the Low-Level Radioactive Waste Policy Act, as amended (LLRW Policy Act), Public Laws 96-573 and 99-240, by such Compacts or unaffiliated states.

The Southeast Compact Commission for Low-Level Radioactive Waste Management (hereinafter "Southeast Compact") was granted consent by the United States Congress in accordance with Section 4(a)(2) of the LLRW Policy Act.

C. Designation of Barnwell Closure December 31, 1992

The Southeast Compact Law provided that the disposal facility in Barnwell County, South Carolina, owned by the State of South Carolina, be designated as the Regional Facility until December 31, 1992.

D. Continued Operation of Southeast Regional Facility Until 1996

Because of technical and other difficulties, the Southeast Compact's second regional facility in North Carolina is not expected to open until 1996. In 1991, the Southeast Compact Commission conducted a detailed evaluation of possible low-level radioactive waste management alternatives for the interim period between the closure of the Barnwell facility on December 31, 1992, and the opening of the North Carolina facility. After a thorough analysis of all available options, the Commission concluded that continued disposal at the Barnwell, South Carolina, site during the interim period is the option which is most protective of health, safety, and the environment.

Upon request by the Southeast Compact Commission, the State of South Carolina has agreed to allow the disposal facility in Barnwell County to continue to serve as the Regional Facility beyond December 31, 1992, but in any event, not later than December 31, 1995. On August 14, 1992, the Southeast Compact Commission took action to recognize that the facility in Barnwell County, South Carolina, will continue to serve as the Southeast Compacts Regional Facility from January 1, 1993 — December 31, 1995.

E. Need for a Waste Import Policy

After 1992, the Southeast Compact Commission has the power to deny the import of LLRW into the Southeast Compact Region for disposal. The Commission also has the authority to enter into agreements for the import of waste into the region. The import of LLRW into the region requires a two-thirds majority vote of the Southeast Compact Commission, including the affirmative vote of both commissioners of a Host State in which any affected regional facility is located.

The legislation passed by South Carolina authorizing operation of Barnwell as a Regional Facility until 1996 provides that the Regional Facility may accept low-level radioactive waste, generated outside of the Southeast Compact Region, for disposal during the period, January 1, 1993 through June 30, 1994, provided that the Southeast Compact Commission has agreed to the import of such wastes. This policy statement shall serve as the basis upon which the Southeast Compact Commission will make decisions regarding

waste imported into the Southeast Regional Facility at Barnwell during the period January 1, 1993 — June 30, 1994.

II. POLICY OBJECTIVES

The objectives of the Southeast Compact Commission Import Policy are:

- Continued protection of public health and safety.
- Encouragement for continued pursuit and support of the spirit of the Low-Level Radioactive Waste Policy Act and its Amendments.
- Establishment of a fair, reasonable, and defensible decision-making process.
- Support for the best interests of the Southeast Compact, Host State(s), and the southeast generators.
- Compliance with the Barnwell facility license conditions and South Carolina laws.

III. ACCESS POLICY

A. Regions and States Which are Eligible for Access

It is the policy of the Southeast Compact Commission that compact regions or unaffiliated states which have access on December 31, 1992 to the Barnwell site pursuant to their status of compliance with the LLRW Policy Act, Public Law 99-240, Section 5(e)(1)(c)(i) or (ii), shall be eligible to contract with the Southeast Compact Commission for access, for the generators located in their respective regions or states, to the Barnwell Regional Facility during the period January 1, 1993 — June 30, 1994. Such access will be contingent on the terms and conditions, and reasonable compensation requirements, of a contract between the Southeast Compact Commission and the regional compact or unaffiliated state.

It is the policy of the Southeast Compact Commission that regions and unaffiliated states must actively pursue the spirit of the LLRW Policy Act and provide information on their progress in order to maintain access to the Regional Disposal Facility. A report shall be submitted by each region and unaffiliated state that contracts for access with the Southeast Compact within thirty days of execution of the contract and shall include the following items at a minimum:

1. Legislation enacted to enable siting activity
2. Entities responsible for siting activities
3. Resources committed to site development
4. Progress made since 1985 in siting a disposal facility or negotiating for access after June 30, 1994
5. A copy of the current siting plan for the state/region.

The information available through additional periodic progress reports (see Section VI.D.) from regions or unaffiliated states and other sources will

be reviewed by a committee of the Commission on April 1, 1993 and October 1, 1993 and the committee will provide a report to the full Commission including a recommendation for continuation or termination of access contracts. The full Commission will meet within thirty days to act on the recommendations of the committee.

The Southeast Compact Commission may terminate access to the Regional Facility if it determines that an overt action has been taken by a compact region, designated host state within the compact region, or unaffiliated state, which the Commission determines substantially impedes the state or region's progress in fulfilling its responsibilities for providing, either by itself or in cooperation with other states, for the disposal of its low-level radioactive waste.

B. States and Jurisdictions Which are Not Eligible for Access

It is the policy of the Southeast Compact Commission to provide incentives to encourage the development of a regional compact system for LLRW disposal, in keeping with the purposes of the LLRW Policy Act, in jurisdictions which were determined not to be initially eligible for access to the Southeast Regional Facility. The Commission seeks to encourage those jurisdictions to seriously pursue provision of disposal capacity for their generators. To this end, a mechanism by which a jurisdiction can petition for reconsideration of its eligibility status is detailed in Section VI.C.

IV. ACCESS FEE

In establishing the access fee to be assessed out-of-region users of the Barnwell Regional Facility after 1992, the Commission has developed a fee structure which is consistent with the spirit of the LLRW Policy Act, is reasonable, equitable, and is supportive of the needs of the Southeast Compact. The Southeast Compact Commission hereby establishes a fee of \$220 per cubic foot for the privilege of access to the Barnwell Regional Facility during the eighteen month period. This rate will be multiplied by the volume of waste each generator/shipper expects to ship to the facility over the eighteen month period to yield the total required access fee. This fee does not include any fees associated with the site operator.

The assessment and payment of this fee shall be conducted in accordance with the mechanism detailed in Section V.

The term of the contract is eighteen months. A region or an unaffiliated state's termination of its contract will not relieve generators in that region or unaffiliated state of their payment obligation to pay remaining quarterly access fee payments unless the region or unaffiliated state is terminating the contract because its own regional disposal facility has become operational. Upon a satisfactory demonstration by the state or region to the Southeast Compact that their facility is accepting waste and is operational for disposal, the Southeast Compact Commission shall relieve the generators within that region or unaffiliated state of their obligation to pay any remaining quarterly access fee payments. However, if the Southeast Compact Commission terminates the access contract with a region or unaffiliated state, or the Barnwell Regional Facility closes permanently, generators in that region or unaffiliated state will not be obligated to pay remaining quarterly payments.

V. MECHANISM FOR ASSESSMENT AND PAYMENT OF ACCESS FEE

All out-of-region generators/shippers will pay an access fee for the privilege of access to the Regional Facility during the period January 1, 1993 — June 30, 1994. A Large Generator/Shipper is defined as one whose projected disposal rate is greater than 1500 cubic feet of LLRW at Barnwell during the eighteen month period. Large Generators/Shippers will be assessed a total access fee payable in advance on a quarterly basis. Small Generators/Shippers are defined as those who do not project a disposal rate of greater than 1500 cubic feet over the eighteen month period. Small Generators/Shippers will pay the access fee at the same rate at the actual time of disposal. The access fee rate is \$220 per cubic foot.

This rate does not include any of the disposal related charges levied by the site operator. For the purposes of enforcement of the access fee, the site operator shall include in its business arrangement with the generator/shipper provisions to comply with the Import Policy of the Southeast Compact Commission.

A. Waste Volumes

Large Generators/Shippers will provide a projection of the total volume of LLRW they plan to dispose at the Regional Facility during the eighteen month period. This volume projection will be used to determine the total access fee each generator will be obligated to pay for access to Barnwell during the eighteen month period.

For the purposes of disposal, corporations/institutions with multiple licenses within a compact or unaffiliated state will be permitted to pool the individual volume projections of each of their licenses, provided that they are billed as a single unit.

B. Access Fee Payments

For Large Generators/Shippers, access to the Regional Facility will only be provided to generators which have agreed to prepay an amount equal to the access fee approved by the Southeast Compact Commission multiplied by the

volume of waste the generator expects to send to the facility during the eighteen month period.

Unless access is terminated by the Southeast Compact Commission, the total fee must be paid regardless of waste volume shipped. Payment will be made in six quarterly payments, due on the first business day of the calendar quarter. A five-day grace period will be permitted before imposition of the late fee, which will escalate at a rate of 5% per day, not to exceed a rate of 30%.

C. Disposal Rate

Access fees must be paid before any waste is received in a given quarter. Generators may dispose of waste at any rate they choose, provided that the rate of payment of access fees is equal to, or greater than, the rate of disposal. If a Large Generator/Shipper wishes to dispose at a rate which exceeds quarterly access fee payments, then it must pay for these additional volumes at the time of disposal at the current unit access fee rate. These payments and waste volumes will be applied to the next quarterly access fee payment(s) and volume allocation(s). Unused volumes in any quarter will be credited to ensuing quarters.

D. Premium Rate Assessment

Any waste volumes disposed by Large Generators/Shippers in excess of 110 % of the total volume projection will be assessed for access fees at a premium rate of 130% of the standard access fee rate at the time of disposal. Large Generators/Shippers will pay the standard access fee rate at the gate for any waste volumes disposed which are up to 10% greater than their projections. Payments must accompany each waste shipment.

Large Generators/Shippers which do not provide volume projections and Small Generators which dispose in excess of 1500³ ft over the 18 month period will be assessed the 130% premium fee rate on those volumes above 1500³ ft.

For example, Generator X disposes of its projected total volume of

6000³ ft of waste by the Fifth Quarter. The generator will be permitted to pay the standard fee rate at the gate for any waste volumes disposed which are up to ten % greater than his projected waste volume. For example, 600³ ft X \$220=132,000. If the standard access fee rate in the Fifth Quarter is \$220, then all waste disposed in excess of 6,600³ ft will be assessed at 130% of \$220 (i.e. \$286 per cubic foot).

VI. ADMINISTRATIVE PROCEDURES

A. Application for Access

Any eligible compact or unaffiliated state wishing to enter into a contract for access to the Regional Facility in Barnwell County, South Carolina, in accordance with the Import Policy of the Southeast Compact Commission, shall request such consideration in writing. Applications should be mailed to the Southeast Compact Commission, 21 Glenwood Avenue, Suite 207, Raleigh, North Carolina 27603. See Section III.A. for a listing of the information submittals which are required within 30 days of contract execution.

B. Contract Approval

Authorization to enter into a contract for access to the Regional Facility in Barnwell County, South Carolina, requires a two-thirds vote of the Southeast Compact Commission, including affirmative votes from both commissioners from South Carolina. After the Commission authorizes a contract for access with an applicant state or compact, the Executive Director will mail a contract to the applicant state/compact for signature. Upon receipt of the signed contract, the Executive Director or the Chairman is authorized to execute the contract on behalf of the Southeast Compact Commission, assuming that no changes have been made to the contract by the applicant state or compact. In those cases where the contract is required by the applicant state or compact to be signed first by the Southeast Compact Commission, the Executive Director and Chairman are so authorized. A contract for access will be effective as soon as it is signed by both parties and received by the Southeast Compact Commission

C. Application Process for Determination of Eligibility Status for Negotiation of Access

States initially denied access but interested in contracting for access must first apply to the Southeast Compact Commission for a determination of eligibility status. If the state or jurisdiction is granted eligibility status by the Southeast Compact Commission, the state may submit a request to

the Southeast Compact Commission for access to the Regional Facility.

1. Application Procedures

1. States may submit a letter of application for determination of eligibility status after November, 1992. Applications should be mailed to the Southeast Compact Commission, 21 Glenwood Avenue, Suite 207, Raleigh, North Carolina 27603.
2. All letters of application must include the following:
 - (a) Name and address of Applicant (state or jurisdiction)
 - (b) Name, address and telephone number of primary contact
 - (c) Documentation supporting the claim that the Applicant is in compliance with the 1990 milestone of the Low-Level Radioactive Waste Policy Amendments Act of 1985 and other evidence sufficient to convince the Southeast Compact Commission that the Applicant state has made substantial progress toward providing low-level waste disposal capacity for its generators after June 30, 1994; and
 - (d) A prospectus of process expected to be made, during the period January 1, 1993 — June 30, 1994, in siting a disposal facility or negotiating for access after June 30, 1994. The prospectus should include the following items at a minimum:
 - Steps expected to be accomplished and measurable parameters for evaluating their accomplishment
 - Parties responsible for accomplishing each step
 - A listing of resources committed to the accomplishment of each step; and
 - A schedule of dates by which the steps will be

accomplished.

3. A nonrefundable application fee of \$15,000 payable to the Southeast Compact Commission shall accompany the application

2. Review Process

1. Southeast Compact Commission Staff will notify the applicant whether the application is complete. If the application is incomplete, the Staff will request the necessary documentation.
2. Once the application is deemed complete, the Southeast Compact Commission Staff will provide the information submitted by the Applicant to the Import Policy Committee. The Import Policy Committee may approve eligibility or may schedule a meeting. The Applicant will be given reasonable notice of the meeting date and will be invited to give a presentation at the meeting.
3. A decision by the Import Policy Committee to recommend that the Applicant be granted eligibility status shall be based on the following considerations at a minimum:
 - (a) The ability of the Applicant to demonstrate that it has made substantial progress in complying with the spirit of the LLRW Policy Act;
 - (b) The ability of the Applicant to demonstrate that it now complies with the 1990 milestone in the Act.
 - (c) The ability of the Applicant to demonstrate a commitment to continue serious pursuit of disposal access for the period beginning July 1, 1994.
4. If the Import Policy Committee recommends that the Applicant be granted eligibility status, Southeast Compact Commission Staff will place on the agenda of the next scheduled Commission meeting the consideration of the recommendation for eligibility status.

Reasonable notice of the meeting will be provided to the Applicant. The Applicant will be provided an opportunity to give a presentation at the Commission meeting. The granting of eligibility status requires a two-thirds vote of the Commission, including the affirmative vote of both South Carolina Commissioners.

5. Southeast Compact Commission Staff will notify the Applicant of the approval or rejection of the application for eligibility status.
6. If the Applicant is denied eligibility status by the Import Policy Committee, the Applicant may request consideration by the full Commission. The Applicant will be provided an opportunity to give a presentation at the Commission meeting.

D. General Contract Administration

For each contract for access, the Southeast Compact Commission will monitor the compliance of the contracting state or compact with the provisions of the contract, including progress in development of disposal capacity. Each contracting state and compact will be required to provide, no later than March 15, 1993 and September 15, 1993, a report of current status in siting a low-level radioactive waste disposal site or otherwise providing access to disposal for the generators of waste within the contracting state or region. The report should include the following items at a minimum:

1. Legislation enacted to enable siting activity
2. Entities responsible for siting activities
3. Resources committed to site development
4. Progress made since 1985 in siting a disposal facility or negotiating for access after June 30, 1994
5. A copy of the current siting plan for the state/region.

See Section III.A. for a description of the process the Commission will use to review the above reports.

E. Termination of Contracts

1. Recommendation to Terminate

In the event that the Import Policy Committee recommends that a contract for a state/compact be terminated, consideration of that recommendation will be placed on the agenda for the next scheduled meeting of the Commission. If the next scheduled meeting is not within thirty days, a Special Meeting of the Commission may be declared.

The Import Policy Committee will present its findings and recommendations to the Commission and the affected state/compact will be allowed the opportunity, to state its case.

2. Notification of Decision to Terminate

Staff will notify the contracting state/compact, the appropriate officials in South Carolina, and the facility contractor of the decision by the Commission to terminate a contract. Staff will work with South Carolina and its contractor to assure quick action to deny access to generators within the affected state(s)/compact(s).

F. Provision for Petitioning

Upon receipt of a petition, the Southeast Compact Commission may grant a generator or a compact or unaffiliated state an exemption from any of the provisions of the Import Policy, or modify the application of such provisions, except those provisions relating to compliance with applicable federal and state laws and regulations. The exemption or modification must be approved by a two-thirds vote of the Southeast Compact Commission, including the affirmative vote of both representatives of the host state of the Southeast regional facility. The Southeast Compact Commission will develop procedures for the processing of requests for exemptions or modifications.

VII. SAMPLE CONTRACT

CONTRACT FOR ACCESS TO THE SOUTHEAST COMPACT COMMISSION'S REGIONAL FACILITY IN BARNWELL COUNTY, SOUTH CAROLINA

WHEREAS, the Low-Level Radioactive Waste Policy Act of 1980, as amended, Public Laws 96-573 and 99-240 (hereinafter "LLRW Policy Act") establishes certain responsibilities for the management of low-level radioactive waste disposal; and,

WHEREAS, the U.S. Congress has provided its consent to certain Regional Compacts and further established schedules for compliance with the Policy Act by such Compacts or unaffiliated states; and,

WHEREAS, the Southeast Compact Commission for Low-Level Radioactive Waste Management (hereinafter "Southeast Compact") and the _____ Compact were granted consent by the U.S. Congress in accordance with Section 4(a)(2) of the Policy Act; and,

WHEREAS, upon request by the Southeast Compact Commission, the State of South Carolina has agreed to allow the low-level radioactive waste disposal facility in Barnwell County to continue to serve as the Regional Facility beyond December 31, 1992, but in any event, not later than December 31, 1995; and,

WHEREAS, the State of South Carolina law provides that the Regional Facility may accept low-level radioactive waste, generated outside of the Southeast Compact Region, for disposal during the period, January 1, 1993 through June 30, 1994, provided that the Southeast Compact Commission has agreed to the import of such wastes; and,

WHEREAS, the LLRW Policy Act provides that the Southeast Compact Commission may deny access to out-of-region wastes after December 31, 1992; and,

WHEREAS, on August 14, 1992, the Southeast Compact Commission approved by a two-thirds majority vote, including the affirmative vote of both commissioners from South Carolina, a resolution that provides for continued access to the Regional Facility in Barnwell County, South Carolina, to out-of-region generators in compact regions or states who have access to the Barnwell site on December 31, 1992 pursuant to their status of compliance with Public Law 99-240, Section 5(e)(1)(c)(i) or (ii) and, that such continued access be contingent on the terms and conditions, and reasonable compensation requirements, of a contract between the Southeast Compact Commission and the undersigned Regional Compact or unaffiliated state.

NOW THEREFORE, the parties do hereby agree to the following:

- (1) Access to the Southeast Compact Regional Facility shall be granted to the generators within the _____ Region (State) during the period January 1, 1993 through June 30, 1994, or upon closure of the Regional Facility in Barnwell County South Carolina, whichever occurs first, and is subject to the terms and conditions of this Agreement and the November 13, 1992 Import Policy of the Southeast Compact Commission, which is hereby incorporated by reference into this contract.
- (2) The Southeast Compact Commission has established an access fee of \$220 per cubic foot of waste in accordance with its Import Policy.
- (3) As part of this Agreement, and in accordance with the Import Policy of the Southeast Compact Commission, _____ Region (State) shall provide information to the Southeast Compact Commission regarding the progress being made to provide disposal capacity after June 30, 1994 for generators in _____ Region (State). Within thirty days of the execution of this contract, the _____ Region (State) shall submit the following information at a minimum:

- a. Legislation enacted to enable siting activity;
 - b. Entities responsible for siting activities;
 - c. Resources committed to site development;
 - d. Progress made since 1985 in siting a disposal facility or negotiating for access after June 30, 1994;
 - e. A copy of the current siting plan for the state/region.
- (4) Unless the context otherwise requires, the following terms shall have the meanings as set forth under Article 2 of the Southeast Interstate Low-Level Radioactive Waste Management Compact as consented to by the U.S. Congress in accordance with Section 4(a)(2) of the Policy Act: "Facility", "Generator", "Host State", "Low-Level Radioactive Waste", "Region", "Regional Facility", "State", and "Waste Management".
- (5) This Agreement shall become effective on the date of its execution and continue to be in effect until terminated in accordance with its provisions.
- (6) Either party may terminate this Agreement for any reason by giving written notice of not less than 60 days in the manner prescribed in Paragraph (8).
- (7) The parties to this Agreement shall undertake in good faith to perform their respective obligations under this Agreement and to assist and cooperate with each other to accomplish the purposes enumerated herein.
- (8) The contact person for the Southeast Compact Commission is:

The contact person for the _____ Commission (State) is:

The parties hereto may, from time to time, in writing designate different contact persons or addresses. All notices or submittals required or permitted under this Agreement shall be deemed given when personally delivered to the designated contact person or three (3) days after being posted by certified or registered mail, return receipt requested, postage prepaid, to the designated contact person at the designated address.

- (9) No amendment to this Agreement shall be effective unless agreed to in writing by both parties.
- (10) In the event of any action or proceeding arising under this contract or incorporated import policy statement, the non-prevailing party in any such action or proceeding shall pay the reasonable attorney's fees and court costs incurred by the prevailing party.
- (11) This Agreement shall be governed by and constructed in accordance with the laws of the State of South Carolina. With respect to any judicial proceeding arising in connection with this agreement, each party to this Agreement consents to venue in the United States District Court for the District of South Carolina. If it is determined that such court does not have jurisdiction of such proceeding, each party to this agreement consents to venue in any court of competent jurisdiction situated in the State of South Carolina.
- (12) This Agreement does not create, and shall not be construed to create, any rights in any person not a signatory to this agreement.

- (13) The parties hereto expressly understand and agree that neither the Southeast Compact Commission for Low-Level Radioactive Waste Management nor the _____ Region (State) is, by entering into this Agreement, arranging for the disposal of waste. Nothing herein shall be construed to establish any requirement that any waste generated in the _____ Region (State) be disposed at the low-level radioactive waste disposal facility in Barnwell County, South Carolina.

BY THE SOUTHEAST COMPACT COMMISSION:

Kathryn Visocki, Executive Director

Date

WITNESS:

BY THE REGION (STATE):

Name, Title, Authorized Representative

Date

WITNESS:



